

10-17-05
12-380.9

Agency Reference #: Circulated by:	AGENCY USE ONLY Date Received: (local govt. or agency)
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JOINT AQUATIC RESOURCES PERMIT APPLICATION FORM (JARPA)

(for use in Washington State)



PLEASE TYPE OR PRINT IN BLACK INK.



- ☐ Application for a Fish Habitat Enhancement Project per requirements of RCW 77.55.290. You must submit a completed JARPA application form and the (Fish Habitat Enhancement JARPA Addition) to your local Government Planning Department and Washington Department of Fish & Wildlife Area Habitat Biologist on the same day.

NOTE: LOCAL GOVERNMENTS – You must submit any comments on these projects to WDFW within 15 working days.

Based on the instructions provided, I am sending copies of this application to the following: *(check all that apply)*

<input checked="" type="checkbox"/> Local Government for shoreline:	<input type="checkbox"/> Substantial Development	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Exemption	<input type="checkbox"/> Revision
	<input type="checkbox"/> Floodplain Management	<input type="checkbox"/> Critical Areas Ordinance			
<input checked="" type="checkbox"/> Washington Department of Fish and Wildlife for HPA (Submit 3 copies to WDFW Region)					
<input type="checkbox"/> Washington Department of Ecology for 401 Water Quality Certification (to Regional Office-Federal Permit Unit)					
<input type="checkbox"/> Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification					
<input type="checkbox"/> Corps of Engineers for:	<input type="checkbox"/> Section 404	<input checked="" type="checkbox"/> Section 10 permit	NATIONWIDE 3		
<input type="checkbox"/> Coast Guard for:	<input type="checkbox"/> General Bridge Act Permit	<input type="checkbox"/> Private Aids to Navigation (for non-bridge projects)			
<input type="checkbox"/> For Department of Transportation projects only: This project will be designed to meet conditions of the most current Ecology/Department of Transportation Water Quality Implementing Agreement					

SECTION A - Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

1. APPLICANT

Ash Grove Cement Company, attn.: Craig Puljan, Plant Manager

MAILING ADDRESS

3801 East Marginal Way South, Seattle, Washington 98134

WORK PHONE

206-623-5596

E-MAIL ADDRESS

craig.puljan@ashgrove.com

HOME PHONE

FAX #

206-623-5355

If an agent is acting for the applicant during the permit process, complete #2. Be sure agent signs Section C (Signature Block) for all permit applications

2. AUTHORIZED AGENT

Sasha Visconty, Anchor Environmental, L.L.C.

MAILING ADDRESS

1423 Third Ave., Suite 300, Seattle, WA 98101

WORK PHONE

206-287-9130

E-MAIL ADDRESS

svisconty@anchorenv.com

HOME PHONE

FAX #

206-287-9131

3. Relationship of applicant to property:

☒ OWNER ☐ PURCHASER ☐ LESSEE ☐ _____

4. Name, address and phone number of property owner(s) if other than applicant:

5. Location (street address, including city, county and zip code, where proposed activity exists or will occur)

3801 East Marginal Way South, Seattle, Washington 98134, on the east bank of the Duwamish Waterway.

Local government with jurisdiction (city or county) City of Seattle

USEPA SF



1263477

Waterbody you are working in <u>Duwamish Waterway</u>					Tributary of <u>Elliott Bay, Puget Sound</u>	WRIA # <u>9</u>
Is this waterbody on the 303(d) List** YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>						
If YES, what parameter(s)? <u>1,4-dichlorobenzene, acenaphthene, arsenic, benzo(ghi)perylene, benzoic acid, bis(2-ethylhexyl)phthalate, butylbenzyl phthalate, cadmium, dibenz(a,h)anthracene, dimethyl phthalate, lead, mercury, pH, phenanthrene, phenol, silver, total PCBs, zinc.</u>						
**For 303d List, http://www.ecy.wa.gov/programs/wq/303d/index.html						
1/4 Section <u>NE</u>	Section <u>18</u>	Township <u>24N</u>	Range <u>4E</u>	Government Lot <u>N/A</u>	DNR stream type if known <u>1</u>	
Latitude and Longitude: <u>47° 34' 6.8", 122° 20' 44.0"</u>					Tax Parcel Number <u>7666700350</u>	

6. Describe the current use of the property, and structures existing on the property. Have you completed any portion of the proposed activity on this property? ☐ YES ☒ NO
 For any portion of the proposed activity already completed on this property, indicate month and year of completion.
 Ash Grove Cement Company is located on the shoreline of the Duwamish Waterway (Figure 1). The property is currently used as a cement manufacturing facility. There is a barge berthing facility at the shoreline for unloading of sand, gravel, and limestone required for the production of cement. A conveyor system transports these materials to the upland storage and processing facility (Figure 2).

Is the property agricultural land? ☐ YES ☒ NO Are you a USDA program participant? ☐ YES ☒ NO

7a. Describe the proposed work that needs aquatic permits: Complete plans and specifications should be provided for all work waterward of the ordinary high water mark or line, including types of equipment to be used. If applying for a shoreline permit, describe all work within and beyond 200 feet of the ordinary high water mark. If you have provided attached materials to describe your project, you still must summarize the proposed work here. Attach a separate sheet if additional space is needed.

An existing 35-pile creosote-treated timber dolphin will be removed and replaced with a 3-pile steel dolphin. The existing dolphin will be dismantled and the piles pulled by vibratory extraction. The piles will be unseated from the bottom sediments by engaging the vibratory hammer and slowly lifting up on the hammer with the aid of a barge-mounted crane. Once unseated, the crane will continue to raise the hammer and pull the pile from the bottom sediments. When the bottom of the pile reaches the mudline, the vibratory hammer will be disengaged and the crane will lift the pile onto a barge lined with hay bales or other filter media to prevent sediment from re-entering the water. After the piles are removed, the holes will be backfilled with clean sand.

If piling are very decayed or broken, they cannot be pulled by vibratory extraction. These piling can be removed by wrapping each pile with a cable and pulling it directly from the bottom sediments with a crane. If the pile breaks between the waterline and the mudline, it will be cut off two feet below the mudline and capped with clean sand (see BMPs in 7c below).

The new dolphin will be placed approximately 30 feet north of the original dolphin, at the same water depth (-25 ft MLLW), and it will serve the same function as the dolphin it is replacing. To construct the new dolphin, three 18-inch-diameter steel piles will be installed with a vibratory hammer. The dolphin cap will be bolted on and a HDPE fender facing will be bolted to the dolphin cap (Figure 3).

PREPARATION OF DRAWINGS: See sample drawings and guidance for completing the drawings. **ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED.** NOTE: Applicants are encouraged to submit photographs of the project site, but these DO NOT substitute for drawings. **THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.**

7b. Describe the purpose of the proposed work and why you want or need to perform it at the site. Please explain any specific needs that have influenced the design.

The existing timber-pile dolphin has reached the end of its useful service life and needs to be replaced in order to provide adequate protection for the loading ramp and pier.

7c. Describe the potential impacts to characteristic uses of the water body. These uses may include fish and aquatic life, water quality, water supply, recreation and aesthetics. Identify proposed actions to avoid, minimize, and mitigate detrimental impacts and provide proper protection of fish and aquatic life. Identify which guidance documents you have used. Attach a separate sheet if additional space is needed.

Potential short-term effects include temporary turbidity and increased noise.

Temporary turbidity may result from pile removal. Because the project area lies within a Superfund site, measures will be taken to minimize disturbance to bottom sediments:

- Piles will be pulled with a vibratory hammer and laid on a barge lined with hay bales or other filter media to prevent residual sediment from re-entering the water.
- The area around the removed dolphin piles will be backfilled with clean sand.
- Any piles that break off during removal will be cut off below the mudline and capped with clean sand.
- Work will occur between October 1 and February 15, when salmonids are less likely to be present.
- Removed piles will be disposed of at an approved upland location.

The long-term effect of this work will be removal of 35 creosote-treated timber piles from the aquatic environment, replaced with three steel piles.

Construction noise will be generated by pile-installation activities. However, the noise levels produced by the vibratory hammer are not expected to be louder than the barge off-loading operations that normally take place at the site.

Removal of creosote-treated piles will result in an improvement to water quality, as a chronic source of polycyclic aromatic hydrocarbons (PAHs) will be removed.

7d. For in water construction work, will your project be in compliance with the State of Washington water quality standards for turbidity WAC 173.201A-110? ☒ YES ☐ NO (See USEFUL DEFINITIONS AND INSTRUCTIONS)

8. Will the project be constructed in stages? YES ☐ NO ☒

Proposed starting date: As soon as permitted (this is an urgent repair)

Estimated duration of activity: Approximately five days

9. Check if any temporary or permanent structures will be placed:

☒ Waterward of the ordinary high water mark or line for fresh or tidal waters AND/OR

☒ Waterward of the mean higher high water for tidal waters?

10. Will fill material (rock, fill, bulkhead, or other material) be placed: No fill will be used.

☐ Waterward of the ordinary high water mark or line for fresh waters?

If YES, VOLUME (cubic yards) / AREA (acres)

☐ Waterward of the mean higher high water for tidal waters?

If YES, VOLUME (cubic yards) / AREA (acres)

11. Will material be placed in wetlands? ☐ YES ☒ NO

If YES:

A. Impacted area in acres:

B. Has a delineation been completed? If YES, please submit with application.

☐ YES ☐ NO

C. Has a wetland report been prepared? If YES, please submit with application

☐ YES ☐ NO

D. Type and composition of fill material (e.g., sand, etc.)

E. Material source:

F. List all soil series (type of soil) located at the project site, and indicate if they are on the county's list of hydric soils. Soils information can be obtained from the natural Resources Conservation Service (NRCS).

G. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS? ☐ YES ☐ NO

If YES, IMPACTED AREA IS _____ ACRES OF DRAINED WETLANDS.

NOTE: If your project will impact greater than 1/2 of an acre of wetland, submit a mitigation plan to the Corps and Ecology for approval along with the JARPA form.

NOTE: A 401 water quality certification will be required from Ecology in addition to an approved mitigation plan if your project impacts wetlands that are: a) greater than 1/2 acre in size, or b) tidal wetlands or wetlands adjacent to tidal water. Please submit the JARPA form and mitigation plan to Ecology for an individual 401 certification if a) or b) applies.

12. Stormwater Compliance for Nationwide Permits Only. This project is (or will be) designed to meet ecology's most current stormwater manual, or an Ecology approved local stormwater manual. ☐ YES ☐ NO

N/A—no new impervious surface will be added.

If YES – Which manual will your project be designed to meet? _____

If NO – For clean water act Section 401 and 404 permits only – Please submit to Ecology for approval, along with this JARPA application, documentation that demonstrates the stormwater runoff from your project or activity will comply with the water quality standards, WAC 173.201(A)

13. Will excavation or dredging be required in water or wetlands? ☐ YES ☒ NO

If YES:

A. Volume: _____ (cubic yards) /area _____ (acre)

B. Composition of material to be removed: _____

C. Disposal site for excavated material: _____

D. Method of dredging: _____

14. Has the State Environmental Policy Act (SEPA) been completed ☐ YES ☒ NO

SEPA Lead Agency: City of Seattle

SEPA Decision: DNS, MDNS, EIS, Adoption, Exemption Exemption Decision Date (end of comment period) Pending

SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WDFW AS REQUIRED FOR A COMPLETE APPLICATION

15. List other Applications, approvals or certifications from other federal, state or local agencies for any structures, construction discharges or other activities described in the application (i.e. preliminary plat approval, health district approval, building permit, SEPA review, federal energy regulatory commission license (FERC), Forest practices application, etc.). Also, indicate whether work has been completed and indicate all existing work on drawings. NOTE: For use with Corps Nationwide Permits, identify whether your project has or will need an NPDES permit for discharging wastewater and/or stormwater.

TYPE OF APPROVAL	ISSUING AGENCY	IDENTIFICATION NO	DATE OF APPLICATION	DATE APPROVED	COMPLETED?
SEPA Review	City of Seattle				
ESA Compliance	NMFS/USFWS				

16. Has any agency denied approval for the activity you're applying for or for any activity directly related to the activity described herein?

☐ YES ☒ NO

If YES, explain:

SECTION B - Use for Shoreline and Corps of Engineers permits only:

17a. Total cost of project. This means the fair market value of the project, including materials, labor, machine rentals, etc.
\$250,000

17b. If a project or any portion of a project receives funding from a federal agency, that agency is responsible for ESA consultation. Please indicate if you will receive federal funds and what federal agency is providing those funds. See instructions for information on ESA.*

FEDERAL FUNDING ☐ YES ☒ NO If YES, please list the federal agency.

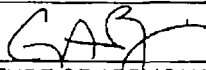
18. Local government with jurisdiction: City of Seattle

19. For Corps, Coast Guard and DNR permits, provide names, addresses and telephone numbers of adjoining property owners, lessees, etc. - *Please note: Shoreline Management Compliance may require additional notice - consult your local government.*

NAME	ADDRESS	PHONE NUMBER
Port of Seattle	3627 Duwamish Ave. S. (P.O. Box 1209), Seattle 98111	206-728-3000
International Belt & Rubber	3687 Duwamish Ave. S., Seattle 98111	206-622-6034
Port of Seattle	44 S. Nevada Street (P.O. Box 1209) Seattle 98111	206-728-3040

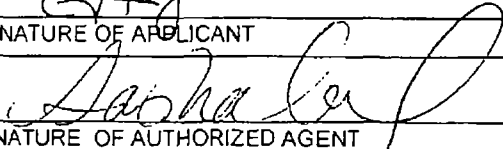
SECTION C - This section MUST be completed for any permit covered by this application

20. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work ONLY after all necessary permits have been received.


SIGNATURE OF APPLICANT

DATE

12/14/05


SIGNATURE OF AUTHORIZED AGENT

DATE

10/17/05

I HEREBY DESIGNATE _____ TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR)

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.